

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

BRETT TORIANO JONES-THEOPHILIOUS,
a/k/a "Brett Jones-Theophilus," a/k/a "Keeffe
Trikill Branch," a/k/a "B.J.-Tucci," a/k/a "Brett
(Son of Isaac)"

Defendant

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ORDER

Defendant Brett Jones-Theophilious was charged via a criminal complaint on December 28, 2012 with failing to register as a sex offender in the Commonwealth of Puerto Rico after traveling here from New Mexico (docket entry 1). He was arrested on that same date and brought before a U.S. Magistrate Judge for an initial appearance, during which he refused to fill out a financial affidavit and informed that he did not want to be represented by counsel (see docket entry 3). At a subsequent bail hearing held on January 15, 2013, the Magistrate Judge again inquired from him whether he would like to have legal representation, which he refused (docket entry 9). Defendant was formally indicted on January 30, 2013 (docket entry 16), and has been detained pending trial since his arrest on December 28, 2012. At his arraignment held on February 14, 2013, defendant stated that he pleaded "guilty to the facts but innocent to the charges." See docket entry 21.

During his internment, defendant has been a prolific motion-filer (see docket entries 14, 18, 19, 20, 24, 25, 26, 37, 39, 40, 42, 43, 44, 45, 46, 53, 54, 55, 65, 66, 67 and 69). The Court is seriously concerned, however, based on the averments made by defendant in those motions, about whether he is able to appear pro se and represent himself or even properly assist a lawyer were one to be appointed as stand-by counsel or as his

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legal representative. Some assorted examples of the statements made by defendant which raise serious concerns on his ability to defend himself or assist in his defense follows:

- "Brett Jones-Theophilious is a fiction, a collective entity, a foreign estate/trust, created by Brett Son of Isaac to engage in commerce and for no other purpose!" Docket entry 14, at pp. 3-4.

- "[T]he presenter 'Brett' a son of Isaac an acknowledger of the Constitution, and a member of the Public, one of the People of the United States of America; an American National, non-citizen native, utilizes his full faith & credit to post bond and bond this case. Instrument #BJTD 8175438129741171 in the credit amount of \$4,000,000 should suffice to cover bond, and is in the line with law." Docket entry 14, at p. 4.

- "Until such time as the aforementioned is provided you are commanded/ordered to cease and desist all further debt-collection activities associated with this account/matter immediately. You are trespassing and are in breach of agreement." Docket entry 14, at p. 8.

- "The title Bret Jones-Theophilus is just that a title, adjudicated on the public and court records. A corporation, 98-6066113, a foreign unincorporation on file with the United States Company Corporation." Docket entry 18, at p. 1.

- "The fact is the Court has charged a corporation, legal fiction (see legal definition for person), and has unlawfully detained, imprisoned a non-citizen, natural national real man, without justification." Docket entry 18, at p. 3.

- "So order/command to jailer's to reflect the God given & family name 'Brett a son of Isaac' on all prison system computers, documentation, even Brett son of Isaac, special administrator for Brett Jones-Theophilious is acceptable." Docket entry 18, at p. 8.

- "Legal person, fiction, corporation, individual, instrumentality, state and the like are legal terms, and have been applied to the defendant Brett Jones-Theophilious, a creation

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of myself. I created that fiction under U.S.A.F.R.U.C.T., to engage in commerce.” Docket entry 26, pp. 10-11.

- “I run readdressright.org, and the redress right organizations, I allowed my self to be abused so as to test this system and prove once and for all what is really going on is ‘debt collection.’” Docket entry 40, at p. 2.

- “It is my firm belief and knowledge that I am the principle, as is equatable to the beneficiary, YOU ARE THE TRUSTEE, YOU HAVE A DUTY OF CARE, You are close to dereliction of duty, and are to fulfill your responsibility! The issue remains that you are not now nor have you ever been given permission to construe any of my words, as a natural man I maintain control of my thoughts and trueful intentions, that shall never change, again you are commanded to bring about settlement and closure, credit the beneficiary for the over payment and the unverified alleged debt, and provide for his being made whole again by any and all necessary means at your disposal.” Docket entry 44, at p. 4.

Although no motion to determine competency has been filed pursuant to 18 U.S.C. § 4241(a), the Court cannot disregard the fact that the conduct of defendant so far during the course of this litigation suggests that he is presently mentally unstable. The only reasonable manner to clear these doubts is to order that a mental evaluation of defendant be conducted by a forensic psychologist.

Accordingly, the Court ORDERS that said mental evaluation of defendant be made forthwith to determine whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, pursuant to Title 18, U.S.C. § 4241(a) and (b). As defendant is presently committed pending trial, the Court further ORDERS that the mental evaluation described above be conducted at a Medical Correctional Facility or Forensic Site, such as the facilities at the Federal Detention Center located in Miami, Florida, as available, or at any other suitable Medical

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Correctional Facility or Forensic Site (e.g. FMC Butner, North Carolina, or MCFP Springfield, Missouri), and the same shall be conducted at the earliest possible time and without delay, but for a period not to exceed forty-five (45) days.

It is further ORDERED that such facility shall expeditiously report in writing to the Court the results of said examination, furnishing also a copy to the U.S. Attorney for the District of Puerto Rico through the Assistant U.S. Attorney handling the case, Marshal D. Morgan, Chardón Tower, Suite 1201, 350 Carlos Chardón Street, San Juan, P.R. 00918, and to the defendant.

It is hereby ORDERED that no statement made by the defendant during the course of the above-described examination shall be admissible against him on the issue of guilt or innocence in any criminal proceeding.

SO ORDERED.

At San Juan, Puerto Rico, on May 23, 2013.

S/CARMEN CONSUELO CEREZO
United States District Judge